

### AMENDMENTS TO THE CLAIMS

1. **(Currently amended)** A positive resist composition comprising:  
a resin component (A) containing an acid dissociable dissolution inhibiting group whose alkali solubility increases under action of acid; and  
an acid generator component (B) that generates acid on exposure, wherein  
the resin component (A) is a copolymer comprising a first structural unit (a1) derived from a hydroxystyrene and a second structural unit (a2) derived from a (meth)acrylate ester containing an alcoholic hydroxyl group, in which 10 mol% or more and 25 mol% or less of a combined total of hydroxyl groups within the structural units (a1) and alcoholic hydroxyl groups within the structural units (a2) are protected with the acid dissociable dissolution inhibiting groups, and  
a weight average molecular weight of the copolymer prior to protection with the acid dissociable dissolution inhibiting groups is 2,000 or more and 8,500 or less,  
a molar ratio between the first structural units (a1) and the second structural units (a2) within the resin component (A) prior to protection with the acid dissociable dissolution inhibiting groups is within a range from 80:20 to 70:30,  
the second structural unit (a2) is derived from a (meth)acrylate ester containing an adamantyl group with an alcoholic hydroxyl group, and  
the acid dissociable dissolution inhibiting group is a 1-lower alkoxyalkyl group.
2. **(Cancelled)**
3. **(Cancelled)**
4. **(Cancelled)**
5. **(Cancelled)**
6. **(Original)** A positive resist composition according to claim 1, wherein the copolymer of the resin component (A) further comprises a third structural unit (a3) derived from a styrene.
7. **(Original)** A positive resist composition according to claim 1, wherein a polydispersity (Mw/Mn ratio) of the copolymer prior to protection with the acid dissociable dissolution inhibiting groups is 2.0 or less.

8. **(Original)** A positive resist composition according to claim 1, wherein the acid generator component (B) comprises a diazomethane-based acid generator.

9. **(Previously presented)** A positive resist composition according to claim 1, further comprising a secondary or tertiary lower aliphatic amine (C).

10. **(Previously presented)** A method of using the positive resist composition according to claim 1, comprising: applying the positive resist composition on a substrate to form a positive resist film, performing selective exposure of the positive resist film, conducting a developing treatment to form a resist pattern, and subjecting the resist pattern to a thermal flow treatment, thereby narrowing the resist pattern.

11. **(Original)** A method of forming a resist pattern comprising:  
forming a positive resist film on a substrate using a positive resist composition according to claim 1;  
performing selective exposure of the positive resist film;  
conducting a developing treatment to form a resist pattern; and  
subjecting the resist pattern to a thermal flow treatment, thereby narrowing the resist pattern.

12. **(Previously presented)** A positive resist composition according to claim 2, further comprising a secondary or tertiary lower aliphatic amine (C).

13. **(Previously presented)** A positive resist composition according to claim 3, further comprising a secondary or tertiary lower aliphatic amine (C).

14. **(Previously presented)** A positive resist composition according to claim 4, further comprising a secondary or tertiary lower aliphatic amine (C).

15. **(Previously presented)** A positive resist composition according to claim 5, further comprising a secondary or tertiary lower aliphatic amine (C).

16. **(Previously presented)** A positive resist composition according to claim 6, further comprising a secondary or tertiary lower aliphatic amine (C).

17. **(Previously presented)** A positive resist composition according to claim 7, further comprising a secondary or tertiary lower aliphatic amine (C).

18. **(Previously presented)** A positive resist composition according to claim 8, further comprising a secondary or tertiary lower aliphatic amine (C).

19. **(Currently amended)** A positive resist composition comprising:

a resin component (A) comprising a copolymer constituted by hydroxystyrene units (a1) and (meth)acrylate ester units (a2) containing alcoholic hydroxyl groups, wherein hydroxyl groups of the hydroxystyrene units (a1) and the alcoholic hydroxyl groups of the (meth)acrylate ester units (a2) are introduced into side chains of the copolymer, and 10-25 mol% of the introduced hydroxyl groups and alcoholic hydroxyl groups are protected with acid dissociable dissolution inhibiting groups whose alkali solubility increases under action of acid, said copolymer having a weight average molecular weight of 2,000 to 8,500 as measured prior to the protection; and

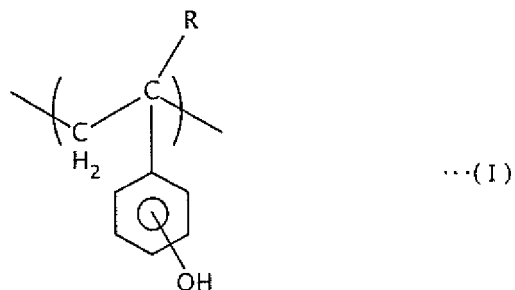
an acid generator component (B) that generates acid on exposure for increasing alkali solubility of the ~~acid dissociable dissolution inhibiting groups~~ resin component (A), wherein a molar ratio between the hydroxystyrene units (a1) and the (meth)acrylate ester units (a2) within the resin component (A) prior to protection with the acid dissociable dissolution inhibiting groups is within a range from 80:20 to 70:30,

the (meth)acrylate ester unit (a2) is derived from a (meth)acrylate ester containing an adamantyl group with an alcoholic hydroxyl group, and

the acid dissociable dissolution inhibiting group is a 1-lower alkoxyalkyl group.

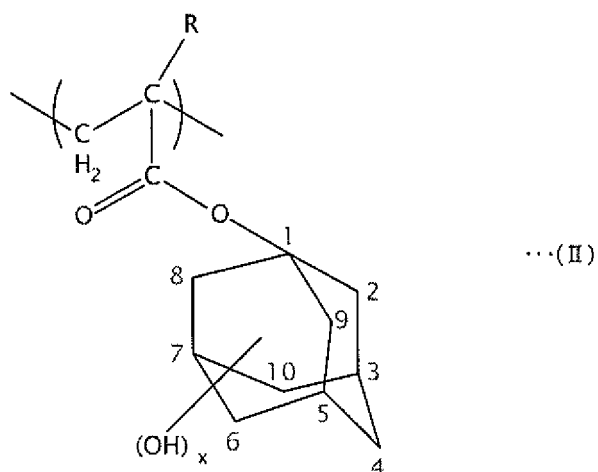
20. **(Currently amended)** The positive resist composition according to claim 19, wherein

each hydroxystyrene unit (a1) is represented by



wherein, R represents a hydrogen atom or a methyl group, and

each (meth)acrylate ester unit (a2) is represented by



wherein, R represents a hydrogen atom or a methyl group, and x represents an integer ~~from~~ from 1 to 3.

21. **(New)** The composition of Claim 1, wherein the weight average molecular weight of the copolymer prior to protection with the acid dissociable dissolution inhibiting groups is 4,000 or more and 8,000 or less.

22. **(New)** The composition of Claim 19, wherein the weight average molecular weight of the copolymer prior to protection with the acid dissociable dissolution inhibiting groups is 4,000 or more and 8,000 or less.